

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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**WISCONSIN LABORERS HEALTH FUND,  
WISCONSIN LABORERS PENSION FUND,  
WISCONSIN LABORERS APPRENTICE  
AND TRAINING FUND, BUILDING & PUBLIC  
WORKS LABORERS VACATION FUND and  
JOHN J. SCHMITT (in his capacity as trustee),**

**WISCONSIN LABORERS DISTRICT COUNCIL,**

**WISCONSIN LABORERS-EMPLOYERS  
COOPERATION AND EDUCATION TRUST FUND,**

**BULDING TRADES UNITED PENSION TRUST  
FUND and NACARCI FEASTER (in his capacity  
as trustee),**

**Plaintiffs,**

v.

**Case No. 11-cv-313**

**WERNER BROTHERS, INC.,**

**Defendant.**

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**ORDER AND ENTRY OF JUDGMENT  
AS TO DEFENDANT WERNER BROTHERS, INC.**

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Request and application for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court and filed with the clerk. This action having come on hearing before the Court, the issues having been duly heard, and a decision having been duly rendered, the Court orders as follows:

1. Defendant Werner Brothers, Inc. has failed to plead or otherwise defend as provided by Rule 55(a) of the Fed. R. Civ. P.
2. Defendant Werner Brothers, Inc. violated the Labor-Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of

1974, as amended, and the effective collective bargaining agreements by failing to pay fringe benefit contributions on behalf of its employees to the Plaintiff Funds.

3. As a result of Defendant's failure, Plaintiffs are entitled to damages consisting of unpaid contributions, liquidated damages, interest, attorney fees, and costs.

4. The court assesses the total damages to the Plaintiffs in the sum of \$149,140.78.

**IT IS HEREBY ORDERED AND ADJUDGED** that the Plaintiffs, Wisconsin Laborers Health Fund, Wisconsin Laborers Pension Fund, Wisconsin Laborers Apprentice and Training Fund, Building & Public Works Laborers Vacation Fund, John J. Schmitt, Wisconsin Laborers District Council, Wisconsin Laborers-Employers Cooperation and Education Trust Fund, Building Trades United Pension Trust Fund and Nacarci Feaster, recover from the Defendant Werner Brothers, Inc. and that the Clerk of Court is directed to enter judgment in favor of Plaintiffs and against Defendant in the amount of \$149,140.78 together with interest at the rate allowed by law.

Dated at Madison, Wisconsin, this 27<sup>th</sup> day of July, 2011.

Peter Apperson  
Clerk of Court

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Deputy Clerk

Dated and approved as to form this 27<sup>th</sup> day of July, 2011.

BY THE COURT  
J. C. Conley  
U. S. District Court Judge